



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]

DECISION

FTI/147618

PRELIMINARY RECITALS

A petition was filed on February 21, 2013, under Wis. Stat., §49.85(4), to review a decision by the Brown County Human Services to recover FoodShare (FS). Prior to a hearing being scheduled the agency noted that petitioner already had an appeal of the issue.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: No Appearance

Brown County Human Services
111 N. Jefferson St.
Green Bay, WI 54301

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider

Division of Hearings and Appeals

DISCUSSION

Petitioner (CARES # [REDACTED]) filed an appeal on February 21, 2013 contesting FS and Medical Assistance overpayments. Prior to scheduling a hearing the Division of Hearings and Appeals was notified that petitioner already had appeals in these matters. A review of petitioner's appeal history shows that on August 24, 2012, petitioner filed an appeal concerning an FS tax intercept, an order compelling payment of an MA overpayment, and also an issue of non-payment of a medical bill from a surgery. Three files were opened, MNP-143438, FTI-1435453, and MAC-143454. A hearing was scheduled on October 3, 2012, and petitioner did not appear. All three appeals were dismissed on October 5, 2012. The hearing notices and dismissal orders were sent to the same address supplied by petitioner in this appeal. Petitioner did not request a rehearing within the time limits.

Because petitioner already had an appeal concerning the FS overpayment, he is not entitled to another one. The prior case was dismissed, and thus the issue is decided. The current appeal will be dismissed.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,
Wisconsin, this 13th day of March, 2013

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

David H. Schwarz
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on March 13, 2013.

Brown County Human Services
Division of Health Care Access and Accountability